

Proposed Amendments:

760 CMR 67.06:

(5) Noncompliance While in Temporary Emergency Shelter.

(a) The EA household shall be considered to be in noncompliance with the requirements for maintaining temporary emergency shelter and will be sent a warning notice as specified in 760 CMR 67.09(1)(c) in the first instance that the EA household does one of the following:

1. a. fails to attend a scheduled family shelter interview without good cause. The following constitutes good cause for failure to attend scheduled family shelter interview(s):
 - (i) A death in the immediate family;
 - (ii) A personal injury or illness that reasonably prevents the person from attending the interview(s);
 - (iii) A sudden and serious emergency as determined by the Department, that reasonably prevents the person from attending the interview(s);
- b. The verification of the good cause for failure to attend a family shelter interview must be provided by the recipient to the Department within three working days of the scheduled interview.
- c. Verification shall include a copy of death notice for 760 CMR 67.06(5)(a)1.a.(i), a written statement from a competent medical authority for 760 CMR 67.06(5)(a)1.a.(ii), a written statement from the recipient for 760 CMR 67.06(5)(a)1.a.(iii) that explains the emergency that prevented the recipient from attending the scheduled family shelter interview(s), or other appropriate verification determined by the Associate Director or his or her designee;
2. is refused admittance to a family shelter because of unreasonable behavior at the interview;
3. fails to cooperate in participating in the activities required by the plan for rehousing as specified in 760 CMR 67.06(4)(b) without good cause as defined in 106 CMR 701.380: *Good Cause Criteria* or fails to cooperate in developing a plan for rehousing;
4. the EA household is cited for one violation of reasonable rules established by the temporary emergency shelter, other than a hotel or motel;
5. the EA household is posing a threat to the health or safety of self, other residents, guests and/or staff of the temporary emergency shelter for reason(s) other than engaging in criminal activity(ies);
6. the EA household is cited for one violation of the hotel rules established by the Department or is expelled by the hotel or motel for violation of a reasonable rule.

(b) In determining whether rules established by the shelter, hotel or motel are reasonable, there is a presumption that any such rule is reasonable.

(c) The EA household shall be considered to be in noncompliance with the requirements for maintaining temporary emergency shelter and will be sent a termination notice as specified in 760 CMR 67.09(1)(a) when the EA household is determined noncompliant for a third time for one or more of the reasons specified in 760 CMR 67.06(5).

(d) Pursuant to 760 CMR 67.06(5)(a)4., 5. or 6., for the first or second instance of noncompliance, the EA household may be placed in another approved temporary emergency shelter as a result of the noncompliance. A notice of transfer shall be given/sent to the EA household as specified in 760 CMR 67.09(1)(b).

(6) Termination of Temporary Emergency Shelter Benefits.

- (a) The EA household shall have its temporary emergency shelter benefits terminated when:
1. the EA household is asked to leave a temporary emergency shelter because there is reasonable cause to believe that a member(s) of the EA household is engaging in or engaged in a criminal activity that threatens the health, safety and/or security of self, other residents, guests and/or the staff of the temporary emergency shelter. For the purpose of 760 CMR 67.00 the temporary emergency shelter benefits may be terminated on the basis of criminal activity only if the Department concludes by a preponderance of the evidence (more likely than not) that a member of the EA household is engaging in or engaged in criminal activity described;
 2. the EA household rejects one opportunity for safe, permanent housing, as defined in 760 CMR 67.06(4)(b), without good cause, as defined in 106 CMR 701.380: *Good Cause Criteria* or 760 CMR 67.03(4); provided that good cause shall also include, but not be limited to, the housing would require the parent to leave a job that is part of his or her rehousing plan; the housing would interfere with access to critical medical needs of household members, including access to specialty medical providers; the housing would interfere with the special education needs of a child; the housing is in an area in proximity to a domestic abuser, or in an area the household was forced to leave because of safety concerns directed at any member of the household. The opportunity of safe, permanent housing must take into consideration the current, critical medical needs of members of the household or any domestic violence issues;
 3. the EA household is determined noncompliant for a third time for one or more of the reasons specified in 760 CMR 67.06(5);
 4. the EA household either fails to appear at the designated placement or refuses the available placement without good cause as defined in 106 CMR 701.380: *Good Cause Criteria* and 760 CMR 67.03(4) ;
 5. the EA household abandons the temporary emergency shelter placement. For the purpose of 760 CMR 67.06, the EA household shall be deemed to have abandoned placement if it fails to stay at the placement for two consecutive nights or longer, or has repeated absences from the placement. It shall not be considered an abandoned placement if the absence is authorized by the shelter's Executive Director, or his or her designee, or the Department's caseworker or for good cause, as defined in 106 CMR 701.380: *Good Cause Criteria* or 760 CMR 67.03(4); provided further, good cause shall include, but not be limited to, a medical emergency or death in the family;
 6. feasible alternative housing becomes available to the EA household; or
 7. the EA household is no longer categorically or financially eligible for EA benefits. However, a recipient who is financially ineligible due to income in excess of the EA Eligibility Standard will continue to receive shelter benefits for six months, if otherwise eligible.
 8. an adult member of the EA household commits fraud on the EA program.
- (b) The EA household shall be sent a timely notice of termination in accordance with 760 CMR 67.09.

760 CMR 67.09:

(1) (c) When the Department determines that the EA household has a first or second instance of noncompliance with the requirements of maintaining temporary emergency shelter as described in 760 CMR 67.06(5)(a), the Department shall send a written warning notice of the noncompliance to the EA household. This noncompliance notice shall specify:

1. the reason(s) why the EA household is determined to be in noncompliance;
2. that a third instance of noncompliance shall result in the termination of the temporary emergency shelter benefits in accordance with 760 CMR 67.06(6); and
3. that the EA household may request a face-to-face interview with a Department worker to discuss its noncompliance. This notice does not have to meet the requirements of 106 CMR 343.140: *Time Limits*.
4. The written notice issued pursuant to 760 CMR 67.09 shall be adequate as defined in 106 CMR 343.200: *Adequate Notice Requirements(A)*.

(2) (a) An EA applicant or recipient may appeal:

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5. a finding of the first or second instance of noncompliance made pursuant to 760 CMR 67.06(5)(a) based only on the EA household's assertion that the events specified by the Department as the reasons(s) for the noncompliance did not occur;